

Message

From: Webster, Susan [webster.susan@epa.gov]
Sent: 5/25/2023 3:00:49 PM
To: Talton, Chuck [talton.chuck@epa.gov]
CC: Shade, Kevin [Shade.Kevin@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: Star Lake Canal - Special Notice Letter Responses

Thank you

Susan D. Webster, Branch Manager
Assessment, Enforcement and Resources
US EPA Region 6
Dallas, Texas
214.789.2667 (cell)
webster.susan@epa.gov

From: Talton, Chuck <talton.chuck@epa.gov>
Sent: Thursday, May 25, 2023 9:25 AM
To: Webster, Susan <webster.susan@epa.gov>
Cc: Shade, Kevin <Shade.Kevin@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>
Subject: RE: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Deliberative Process (DP)

From: Webster, Susan <webster.susan@epa.gov>
Sent: Thursday, May 25, 2023 7:13 AM
To: Talton, Chuck <talton.chuck@epa.gov>
Cc: Shade, Kevin <Shade.Kevin@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>
Subject: RE: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Deliberative Process (DP)

Susan D. Webster, Branch Manager
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From: Talton, Chuck <talton.chuck@epa.gov>
Sent: Thursday, May 25, 2023 6:21 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>; Shewmake, Kenneth <shewmake.kenneth@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Webster, Susan <webster.susan@epa.gov>; Malone, George <Malone.George@epa.gov>
Cc: Dean, Britt <dean.britt@epa.gov>
Subject: RE: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Attorney Client (AC)

From: Quinones, Edwin <quinones.edwin@epa.gov>

Sent: Wednesday, May 24, 2023 11:36 AM

To: Shewmake, Kenneth <shewmake.kenneth@epa.gov>; Talton, Chuck <talton.chuck@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Webster, Susan <webster.susan@epa.gov>; Malone, George <Malone.George@epa.gov>

Cc: Dean, Britt <dean.britt@epa.gov>

Subject: RE: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Attorney Client (AC)

Edwin Quinones

Senior Assistant Regional Counsel

Office of Regional Counsel

US EPA Region 6

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Dallas, TX 75270

214-665-8035 Desk

214-535-9661 EPA Mobile

From: Shewmake, Kenneth <shewmake.kenneth@epa.gov>

Sent: Wednesday, May 24, 2023 11:05 AM

To: Quinones, Edwin <quinones.edwin@epa.gov>; Talton, Chuck <talton.chuck@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Webster, Susan <webster.susan@epa.gov>; Malone, George <Malone.George@epa.gov>

Cc: Dean, Britt <dean.britt@epa.gov>

Subject: RE: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Attorney Client (AC)

Kenneth Shewmake

Remedial Project Manager

US Environmental Protection Agency, Region 6

Superfund and Emergency Management Division (SEDRA)

1201 Elm Street, Suite 500

Dallas, TX 75270

shewmake.kenneth@epa.gov

work phone- (214) 665-3198

From: Quinones, Edwin <quinones.edwin@epa.gov>

Sent: Wednesday, May 24, 2023 10:16 AM

To: Talton, Chuck <talton.chuck@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Webster, Susan <webster.susan@epa.gov>; Malone, George <Malone.George@epa.gov>

Cc: Shewmake, Kenneth <shewmake.kenneth@epa.gov>

Subject: FW: Star Lake Canal - Special Notice Letter Responses

Ex. 5 Attorney Client (AC)

Edwin Quinones
Senior Assistant Regional Counsel
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From: Smith, N. Tobias <TSmith@ClarkHill.com>
Sent: Tuesday, May 23, 2023 5:49 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Witwer, Christopher (ENRD) <christopher.witwer@usdoj.gov>
Subject: Star Lake Canal - Special Notice Letter Responses

Ed,

As we have discussed, I intend to submit a Good Faith Offer ("GFO") in response to the Special Notice Letters ("SNLs") issued to the members of the Star Lake Canal Cooperating Parties PPR Group. The Group's current response deadline is June 10. On behalf of the Group, I am requesting an additional 60 day extension for the collective GFO response. As you know, a number of additional PRPs have been identified at the Site, however, those PRPs did not receive notice of their PRP status from EPA until issuance of the SNLs this February/March. The Group sought to negotiate with them with the goal of consolidating the additional PRPs into the existing PRP Group so that we could submit a GFO based on full participation and have all PRPs execute a Consent Decree. It has taken significant time to initiate the negotiations because for some of the new PRPs, they had no background on the Site until the SNLs and they could not begin negotiations with the Group until they conducted internal assessments. This is particularly true for the U.S. Army Corps of Engineers ("USACE"). We are in the process of scheduling a discussion with USACE and DOJ defense counsel, but that has yet to occur. USACE's participation is critical to the Group, but somewhat more complicated than other PRPs because DOJ is negotiating two claims simultaneously with the Group (one for USACE's dredging and spoil disposal liability and a separate claim for GSA liability for WWII rubber production at the Site). The parties need additional time to work on settlement discussions for these claims, which will be memorialized in the Remedial Action Consent Decree, as they were previously for the federal government's settlement with the Group on Remedial Design liability in the Remedial Design Settlement Agreement and Agreed Order on Consent. The Group is also in early, but productive negotiations with other PRPs, including the City of Groves and Sabine Neches Navigation District, both of which have administrative processes beyond those of private corporate entities and may take additional time to negotiate.

The Group is working earnestly on multiple negotiations to include the following additional newly identified PRPs:

Terminix
Trans Global Solutions

Entergy Texas
City of Groves
Benoit Family Partnership
Sabine Neches Navigation District
USACE

An extension of 60 days will enable the Group to conduct and conclude negotiations with the newly identified PRPs, securing their participation in the Remedial Action and enabling EPA to consolidate negotiations with one PRP Group, thereby maximizing PRP participation and minimizing the administrative burden on EPA.

Please let me know if you have any questions and confirm whether this request is approved by EPA at your first opportunity.

Thank you,

Tobias

N. Tobias Smith

Member

Clark Hill

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